

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

<b>CHRISTOPHER ROBERT BEAUSOLEIL,</b>	)	
	)	
	)	
<b>Petitioner,</b>	)	<b>Case No. 1:21-cv-156-SPB-RAL</b>
	)	
<b>v.</b>	)	
	)	
<b>D.B. OBERLANDER, et al.,</b>	)	
	)	
<b>Respondents.</b>	)	

**MEMORANDUM ORDER**

The petition for a writ of habeas corpus in this case was received by the Clerk of Court on May 25, 2021<sup>1</sup> and referred to United States Magistrate Judge Richard A. Lanzillo, for report and recommendation in accordance with the Magistrate Judges Act, 28 U.S.C. §636(b)(1), and Local Civil Rule 72. ECF No. 1, 4. On September 21, 2021, Respondents answered the petition. ECF No. 9. Petitioner filed his reply on January 21, 2022. ECF No. 11.

On October 27, 2022, Magistrate Judge Lanzillo issued a Report and Recommendation recommending that the petition be dismissed as untimely and a certificate of appealability be denied. ECF No. 15. Objections to the Report and Recommendation were due to be filed no later than November 14, 2022. To date, no objections have been filed.

After *de novo* review of the petition and documents in the case, together with the Report and Recommendation, the following order is entered:

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<sup>1</sup> Although not received until May 25, 2021, the petition bears a postmark date of September 11, 2020. Under the prisoner “mailbox rule,” *Houston v. Lack*, 487 U.S. 266 (1988), the petition is deemed filed as of September 10, 2020, when Petitioner placed the petition into the prison’s mailing system. *See* ECF No. 3 at 15.

AND NOW, this 29th day of November, 2022, IT IS ORDERED that the within petition for a writ of habeas corpus shall be, and hereby is, DISMISSED as untimely.

IT IS FURTHER ORDERED that the Report and Recommendation of Magistrate Judge Lanzillo, issued on October 27, 2022, ECF No. [15], is adopted as the opinion of this Court. Further, because jurists of reason would not find it debatable whether Petitioner failed to file his petition in a timely manner, IT IS HEREBY ORDERED that a certificate of appealability is DENIED.

As there are no further matters pending before the Court relative to the instant petition, the Clerk is directed to mark this case "CLOSED."

A handwritten signature in black ink, reading "Susan Paradise Baxter". The signature is written in a cursive, flowing style with a horizontal line underneath the name.

SUSAN PARADISE BAXTER  
United States District Judge